

1 ARIEL E. STERN, ESQ.
2 Nevada Bar No. 8276
3 JAMIE K. COMBS, ESQ.
4 Nevada Bar No. 13088
5 AKERMAN LLP
6 1635 Village Center Circle, Suite 200
7 Las Vegas, NV 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: ariel.stern@akerman.com
Email: jamie.combs@akerman.com

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9 *Attorneys for Plaintiff Bank of America, N.A.*

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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 BANK OF AMERICA, N.A.,

14 Plaintiff,

15 vs.

16 INSPIRADA COMMUNITY ASSOCIATION;
17 LVDG LLC SERIES 128; and LEACH
18 JOHNSON SONG & GRUCHOW, LTD.,

19 Defendants.

20 Case No.: 2:16-cv-00673-KJD-CWH

21 **STIPULATION AND ORDER TO MODIFY**
SCHEDULING ORDER BECAUSE OF
STAY

22 **(SECOND REQUEST)**

23 **AND**

24 **STIPULATION AND ORDER EXTENDING**
RESPONSE DEADLINE TO LVDG'S
MOTION FOR SUMMARY JUDGMENT
(ECF NO. 51)

25 **(FIRST REQUEST)**

26 Plaintiff Bank of America N.A. (**BANA**) by and through its attorneys, Akerman LLP;
27 defendant Inspirada Community Association, by and through its counsel of the Robbins Law Firm;
28 defendant LVDG LLC Series 128 by and through its counsel Roger P. Croteau & Associates Ltd.,
and defendant Leach Johnson Song & Gruchow by and through its counsel Leach Kern Cruchow
Anderson Song, hereby jointly submit this Stipulation and Order to Extend Discovery and
Dispositive Motions Deadlines (Second Request) pursuant to LR IA 6-1, LR 26-4, and the Court's

1 minute order of October 19, 2018 (ECF No. 50). This is the second stipulation to extend the
2 discovery deadlines set by the Scheduling Order (ECF No. 16) entered on June 16, 2016.

3 The parties also stipulate to extend the deadline to respond to LVDG's motion for summary
4 judgment in accordance with the new dispositive motions deadline.

5 **A. STATEMENT SPECIFYING THE DISCOVERY COMPLETED**

6 1. The original discovery cut-off in this case was February 27, 2017. (ECF No. 16.)

7 2. The discovery cut-off was extended to March 27, 2017, to accommodate deposition
8 scheduling. (ECF Nos. 33, 34.) Initial disclosures and written discovery were largely complete by
9 the time of the extension.

10 3. The scheduled depositions did not take place. The parties concluded *Bourne Valley*
11 might make the depositions unnecessary, so they moved for a stay until the legal status of *Bourne*
12 *Valley* became clear. (ECF Nos. 35, 36.) The stay took effect on March 16, 2017, before the
13 extended discovery cut-off. (ECF No. 37.)

14 **B. STATEMENT OF DISCOVERY REMAINING TO BE COMPLETED**

15 4. BANA vacated its depositions in compliance with the stay and wishes to complete
16 them.

17 5. Additionally, the legal landscape surrounding HOA cases has changed significantly
18 since the stay was entered, and the parties may wish to disclose additional documents and witnesses
19 and give the other parties a brief opportunity to investigate them.

20 6. Only eleven days of discovery remained when the case was stayed, but it would be
21 difficult to schedule and complete the needed depositions in eleven days.

22 7. Because of scheduling complications arising from the upcoming holidays, the parties
23 request an additional sixty days of discovery.

24 **C. REASONS WHY AN EXTENSION IS REQUIRED**

25 8. As explained above, discovery was not quite complete when the stay was entered, and
26 the parties wish to complete it.

27 9. BANA requests it be able to complete discovery before responding to LVDG's
28 motion for summary judgment.

1 **D. PROPOSED SCHEDULE FOR ALL REMAINING DISCOVERY**

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Discovery Cut-Off	(none)	Tuesday, January 8, 2019
Deadline to Respond to LVDG's Summary Judgment Motion	Friday, November 9, 2018	Thursday, February 7, 2019
Dispositive Motions Deadline:	(none)	Thursday, February 7, 2019
Pretrial Order Deadline:	(none)	Monday, March 11, 2019, or 30 days after decision on all dispositive motions.

11 **E. CURRENT TRIAL DATE**12 The court **has not** yet set a trial date.

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1 The parties make this request in good faith and not for purposes of unreasonable delay,
2 believing good cause exists for extending these deadlines.

3 DATED this 9th day of November, 2018.
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5 **AKERMAN LLP**

6 By: Jamie K. Combs

7 ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
8 JAMIE K. COMBS, ESQ.
Nevada Bar No. 13088
9 1635 Village Center Cir., Suite 200
Las Vegas, Nevada 89134

10 *Attorneys for Plaintiff Bank of America,
N.A.*

11 **ROBBINS LAW FRIM**

12 By: Chad D. Fuss

13 ROBERT T. ROBBINS, ESQ.
Nevada Bar No. 6109
14 ELIZABETH B. LOWELL, ESQ.
Nevada Bar No. 8551
15 CHAD D. FUSS, ESQ.
Nevada Bar No. 12744
16 1995 Village Center Circle, Suite 190
Las Vegas, Nevada 89134-0562

17 *Attorneys for Defendant Inspirada
Community Association*

18 IT IS SO ORDERED.

19 **LEACH KERN GRUCHOW ANDERSON
SONG**

20 By: T. Chase Pittsenbarger

21 SEAN L. ANDERSON, ESQ.
Nevada Bar No. 7259
T. CHASE PITTSENBARGER, ESQ.
Nevada Bar No. 13740
2525 Box Canyon Drive
Las Vegas, NV 89128

22 *Attorneys for Defendants Leach Johnson
Song & Gruchow*

23 **ROBERT P. CROTEAU & ASSOCIATES,
LTD.**

24 By: Timothy Rhoda

25 ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
TIMOTHY RHODA, ESQ.
Nevada Bar No. 7878
9120 W. Post Road, Suite 100
Las Vegas, Nevada 89148

26 *Attorneys for Defendant LVDG, LLC Series
128*

27 ORDER

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UNITED STATES MAGISTRATE JUDGE
November 16, 2018
DATED